

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CHANDLER BARR,

Plaintiff,

vs.

CIV 12-1109 GBW-RHS

THE CITY OF ALBUQUERQUE et al,

Defendants.

PARTIES' AGREED UPON STIPULATIONS CONCERNING TRIAL

COME NOW, the parties, by and through their undersigned counsel, and hereby submit the following stipulations:

1. The parties agree that every witness listed in Plaintiff's witness list filed on September 9, 2014 [Doc. 198] and every witness listed in Defendants' witness list filed on September 9, 2014 [Doc. 203] (with the exception of the parties' police procedures experts, Roger Clark and Donald Whitson, the scope of whose testimony is the subject of pending motions in limine) will not opine as to the lawfulness or reasonableness of the shooting. In accord with Fed. R. Evid. 701, their testimony shall be limited to what they personally observed, heard, experienced or perceived of the events leading up to, during, and after the shooting. To the extent that other lay witnesses to the events surrounding the shooting are identified by any party, this same stipulation shall apply to such witnesses as well.

2. The parties agree that the aforementioned witnesses, with the exception of Dr. Gabriela Prieto, will not opine as to a mental health diagnosis or diagnoses with respect to Chandler Barr. With the exception of Dr. Prieto (who treated Chandler Barr at the UNMH Mental Health Clinic), the aforementioned witnesses' testimony shall be limited, in accord with Fed. R. Evid. 701, to what they personally observed, heard, experienced or perceived of

Chandler Barr and Chandler Barr's demeanor and behavior. To the extent that other lay witnesses to the events surrounding the shooting, or to Chandler Barr and his life experiences, are identified by any party, this same stipulation shall apply to such witnesses as well.

3. The parties agree that the jury should not be presented with any evidence or testimony concerning Chandler Barr's testicular cancer or the fact that he has been diagnosed with testicular cancer.

4. The parties agree that the jury should not be presented with any evidence or testimony that Jennifer Jara resigned from the Albuquerque Police Department or concerning the circumstances of her resignation from the department; that she was formerly a named Defendant in this case; or that there were claims against her that the Court dismissed.

5. The parties agree not to present evidence, testimony, argument, or reference to any theory that Chandler Barr may have been attempting "suicide by cop."

6. The parties agree that Chandler Barr is competent to testify and understands the oath given to him as a witness.

7. The parties agree that all of the medical bills reflected in the parties' Stipulated Exhibit No. 23 (Medical Bills Summary) reflect reasonable expenses for necessary medical care, treatment, and services received for injuries caused by the shooting.

Respectfully Submitted,

ROTHSTEIN, DONATELLI, HUGHES,
DAHLSTROM, SCHOENBURG & BIENVENU, LLP

/s/ Carolyn M. "Cammie" Nichols 10/1/2014

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CITY OF ALBUQUERQUE

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